AFFAIRES GENERALES ET POLITIQUE
GENERAL AFFAIRS AND POLICY

Projet d'ordre du jour
Draft agenda

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HccH
HAGUE CONFERENCE ON
PRIVATE INTERNATIONAL LAW
CONFÉRENCE DE LA HAYE
DE DROIT INTERNATIONAL PRIVÉ

PROJET D'ORDRE DU JOUR

proposé par le Bureau Permanent

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DRAFT AGENDA

proposed by the Permanent Bureau

Conseil sur les affaires générales
et la politique de la Conférence d'avril 2008

Council on General Affairs
and Policy of the Conference of April 2008

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DRAFT AGENDA
MEETING OF THE COUNCIL ON
GENERAL AFFAIRS AND POLICY OF THE CONFERENCE[1]

(1-3 April 2008)

The draft Agenda will be treated with some flexibility and may need to be modified in the light of continuing discussions in the Council meeting, in particular concerning the items under future work.

Sessions will normally begin at 9.30 a.m., with the exception of the first day, and end at 6.00 p.m. with the lunch break from 1.00-2.30 p.m. Breaks for coffee will normally be from 11.00 a.m. till 11.15 a.m., and tea from 4.00 p.m. till 4.15 p.m.

Tuesday 1 April 2008, 10.00 a.m.

I. Welcome to new Members of the Hague Conference

II. Follow-up on the results of the Twenty-First Session of the Conference (see Final Act of the Twenty-First Session, 23 November 2007)

1. Part A: Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.

   Part B: Protocol on the Law Applicable to Maintenance Obligations.

   Oral remarks by the Secretariat.

2. Part C: Recommendations of the Session.

   Oral remarks by the Secretariat.

III. Future work: new topics

Under this heading there will be a discussion of any new topics which have been, or may be, suggested by the governments, the international organisations or the Permanent Bureau.

3. Cross-border mediation in family matters.

   Discussion on the basis of the questionnaire prepared by the Permanent Bureau (L.c. ON No 29(07) dated 8 October 2007), and of the comments received (see Prel. Doc. No 10).

4. Choice of law in international contracts.

   Discussion on the basis of the questionnaire prepared by the Permanent Bureau (L.c. ON No 6(07) dated 31 January 2007; reminder L.c. ON No 25(07) dated 24 July 2007), and of the comments received (see Prel. Doc. No 5). See also letter from the International Bar Association dated 19 February 2008, "Suggestion for a future project from the IBA Litigation Committee.

[1] Preliminary documents will follow at a later date.

5. Accessing the content of foreign law and the need for the development of a global instrument in this area.

   Discussion on the basis of the questionnaire prepared by the Permanent Bureau (L.c. ON No 34(07)) dated 30 October 2007, and of the comments received (see Prel. Doc. No 9).

6. Proposal submitted by Switzerland for a Protocol to the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*.

   This proposal was communicated to the National and Contact Organs of the Members, all States Parties to the 1980 Convention, and the other States and Organisations that attended the Fifth meeting of the Special Commission to review the operation of the 1980 Convention, for their views (L.c. ON No 35(7), dated 1 November 2007) (see Prel. Doc. No 12).

7. Feasibility of a Protocol to the *Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance* to deal with the international recovery of maintenance in respect of vulnerable persons.

   See Recommendation No 9 by the Twenty-First Session, Final Act, p. 55.

8. The application of certain private international law techniques to aspects of international migration.

   The Council on General Affairs and Policy of April 2007 invited the Permanent Bureau to continue its exploration of this topic.

9. Other topics.

   In addition, the Council decided to retain the following matters on the Conference's Agenda –

   (a) questions of private international law raised by the information society, including electronic commerce;

   and, without priority[2] –

   (b) the conflict of jurisdictions, applicable law and international judicial and administrative co-operation in respect of civil liability for environmental damage;

   (c) jurisdiction, and recognition and enforcement of decisions in matters of succession upon death;

   (d) jurisdiction, applicable law, and recognition and enforcement of judgments in respect of unmarried couples (see Prel. Doc. No 11);

   (e) assessment and analysis of transnational legal issues relating to indirectly held securities and security interests, taking into account in particular the work undertaken by other international organisations.

[2] See also *Annex A, Topics informally suggested to the Permanent Bureau.*

Wednesday 2 April 2008

IV. Round table on progress made concerning the signature and ratification of and accession to Conventions

10. Conventions adopted by the Twenty-First Session (2007) –

    (a) *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance;* and

    (b) *Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations.*

11. Convention adopted by the Twentieth Session (2005) –

    Convention of 30 June 2005 on Choice of Court Agreements.

12. Convention adopted by the Nineteenth Session (2002) –

    Convention of 5 July 2006 on the Law Applicable to Certain Rights in respect of Securities held with an Intermediary.

13. Conventions adopted by the Eighteenth Session (1996) and by the Special Commission with a Diplomatic Character (1999) –

    (a) *Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children;* and

    (b) *Convention of 13 January 2000 on the International Protection of Adults*.

14. Conventions adopted by previous Sessions –

    The following Conventions are proposed for discussion –

    A. With a view to preparing the next Special Commission to review the Conventions on legal and administrative cooperation –

        (a) *Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents;*

        (b) *Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*;

        (c) *Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters*;

        (d) *Convention of 25 October 1980 on International Access to Justice*;

B. In the light of recent developments at the national and regional levels –

(e) *Convention of 4 May 1971 on the Law Applicable to Traffic Accidents;*

(f) *Convention of 14 March 1978 on the Law Applicable to Agency;*

(g) *Convention of 1 July 1985 on the Law Applicable to Trusts and on their Recognition.*

V. Promotion, monitoring, assistance and support of Conventions: Conventions in the areas of commercial and finance law, and on legal co-operation and litigation

15. *Report on the activities on the Conventions on legal co-operation and, in particular,* Apostille*, Service Abroad and the Taking of Evidence (see Final Act, Nineteenth Session, under C.4.*a) *and* b)*; Preparation of the Special Commission to review the operation of these instruments –*

(a) Progress report on the electronic Apostille Pilot Program;

(b) Practical Handbook on the Service Convention: publication in other languages than English and French;

(c) promotion, education and training, including through the Hague Conference International Centre for Judicial Studies and Technical Assistance.

16. *Report on regional expansion and development, including Report by the Legal Liaison Officer for Latin America (see Prel. Doc. No 4).*

VI. Promotion, monitoring, assistance and support of Conventions: Conventions on international protection of children, vulnerable adults, international family and family property relations

17. *Report on the activities in relation to the Conventions of 1980, 1993 and 1996 and, in particular –*

(a) Follow-up on the Special Commission of October-November 2006 on the practical operation of the International Child Abduction Convention and the implementation of the 1996 Convention, including progress in relation to Guides to Good Practice;

(b) Progress with the implementation assistance programme for the 1993 Convention and follow-up on the Special Commission of 2005 on the Practical operation of the 1993 Convention, including progress in relation to Guides to Good Practice;

(c) INCADAT, INCASTAT and iChild; promotion, education and training, including through the Hague Conference International Centre for Judicial Studies and Technical Assistance;

(d) Promotion, education and training, including through the Hague Conference International Centre for Judicial Studies and Technical Assistance.

18. Report on regional expansion and development, including Report by the Legal Liaison Officer for Latin America (see Prel. Doc. No 4).

VII. Future work (cont.)

VIII. Organisation of the work of the Conference

19. The Strategic Plan.

    Report on progress by the Secretariat (see Prel. Doc. No 2).

20. Proposed Budget for Financial Year LIV (1 July 2008 – 30 June 2009).

    Proposed Budget for Financial Year LIV (1 July 2008 – 30 June 2009) and Explanatory Notes (see Prel. Doc. No 7).

21. Supplementary Budget for Financial Year LIV (1 July 2008 – 30 June 2009), Part I Special Projects and Expenses; Part II, The Hague Conference International Centre for Judicial Studies and Technical Assistance.

    Proposed Supplementary Budget for Financial Year LIV (1 July 2008 – 30 June 2009) and Explanatory Notes (see Prel. Doc. No 8)

Thursday 3 April 2008

IX. Co-operation with other international organisations

22. Co-operation with UNCITRAL and UNIDROIT.

    The Secretariat will offer oral remarks.

23. Co-operation with other international organisations.

    The Secretariat will offer oral remarks.

X. Celebration of the 115th Anniversary, 18 September 2008

The Secretariat will offer oral remarks.

XI. Conclusions

The meeting will be closed at 5.00 p.m. at the latest.

Annex A

Topics informally suggested to the Permanent Bureau[1] –

- continuation of the Judgments Project, possibly through additional Protocols to the Convention on Choice of Court Agreements, a model law or model (bilateral) agreements;

- development of a practical guide on comparative private international law (on a country-by-country or subject-by-subject basis);

- development of model bilateral agreements to facilitate the implementation of (multilateral) Hague Conventions;

- questions of private international law in relation to intellectual property issues;

- the international recovery of assets relevant to criminal law enforcement as well as to ordinary claims, and which is related to aspects of provisional and protective measures;

- questions in relation to status of children (excluding adoption), in particular recognition of parent-child relationships *(filiation)*;

- Conventions (or model laws) on the law applicable to specific contracts (barter transactions; trading in futures on a stock exchange);

- cross-border regulatory issues: how to preserve, through international co-operation and mutual enforcement, the integrity of the growing variety of regulatory systems in a converging world.

[1] See Prel. Doc. No 20 for the attention of the Nineteenth Session: "Observations concerning the Strategy of the Hague Conference – Observations made by other international organisations and observations made in a personal capacity in response to the Secretary General's letter of 30/31 July 2001" (topics already previously mentioned in the Agenda have been omitted).